



**PUBLIC NOTICE  
WILLIAMSBURG CITY COUNCIL**

The Williamsburg City Council will hold a public hearing on Thursday, November 8, 2007, 2:00 p.m. in the Stryker Building, 412 North Boundary Street, to consider the following:

**PCR #07-029:** Request of McCale Development Corporation to rezone approximately 6.8 acres at 200 Brookwood Drive from Limited Business Corridor District LB-4 to Multifamily Dwelling District RM-1 Conditional (with proffers). This property is designated by the 2006 Comprehensive Plan as Office land use, and is identified as Williamsburg Tax Map No. 583-05-00-002. The applicant proposes this rezoning "to permit development of a duplex/townhome project comparable to the adjacent Carriage Homes."

The RM-1 District allows uses such as single family detached dwellings, duplexes and townhouses at a density of 8 units per net acre. Uses such as multifamily dwellings, churches, day care centers and schools are allowed with a special use permit.

Additional information is available at [www.williamsburgva.gov/dept/council/agendas.htm](http://www.williamsburgva.gov/dept/council/agendas.htm); at the Planning Department [(757) 220-6130], 401 Lafayette Street; or at the Williamsburg Regional Library. Interested citizens are invited to attend this hearing and present their comments to the Council.

If you are disabled and need accommodation in order to participate in the public hearing, please call the City Manager's office at (757) 220-6100, (TTY) 220-6108, no later than 12:00 noon, Thursday, November 1, 2007.

Shelia Y. Crist  
Clerk of Council



## CITY OF WILLIAMSBURG

### MEMORANDUM

**DATE:** October 19, 2007

**SUBJECT:** PCR #07-029

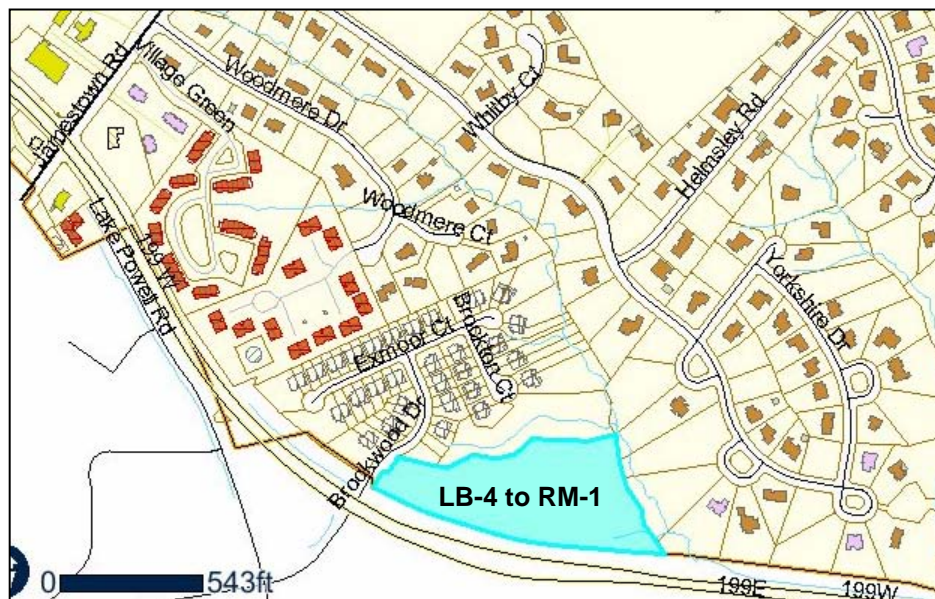
**Request of McCale Development Corporation to rezone 6.84 acres at 200 Brookwood Drive from LB-4 to RM-1**

McCale Development Corporation is proposing to rezone approximately 6.84 acres at 200 Brookwood Drive (southeast corner of Route 199 and Brookwood Drive) from LB-4 Limited Business Corridor District to RM-1 Multifamily Dwelling District. This site is designated by the 2006 Comprehensive Plan as Office land use.

The application states that

McCale Development Corp seeks to rezone this parcel from LB4 to RM1 to permit development of a duplex/townhome project comparable to the adjacent Carriage Homes. McCale believes that with the approval of the Riverside project there will be no demand for office space at this location for the foreseeable future. At the time of the rezoning of this property to LB4, multi-family development was permitted in the LB4 zone.

No proffers have been submitted with the rezoning request. Development of the property if it were rezoned to RM-1 would need to follow the applicable regulations in the Zoning Ordinance. A density of eight dwelling units per net acre is allowed in the RM-1 District. The adjacent 62 lot Holly Hills Carriage Homes duplex subdivision has a density of 5.3 dwelling units/net acre.



## **COMPREHENSIVE PLANS**

### 1989 Comprehensive Plan

The 1989 Comprehensive Plan was the first City plan to address this property, since it was annexed into the City in 1984. This property was originally designated as Medium Density Residential (6-8 dwelling units/net acre), as was the property that was developed as Holly Hills Carriage Homes. It was estimated that up to 84 dwelling units could be built on the combined properties, and 62 units have been built for the Carriage Homes. In January 1997 the Comprehensive Plan was amended to change the land use for this property to Office land use (PCR #16-96). This change was proposed by McCale Development Corporation, the original developer for the Holly Hills Carriage Homes.

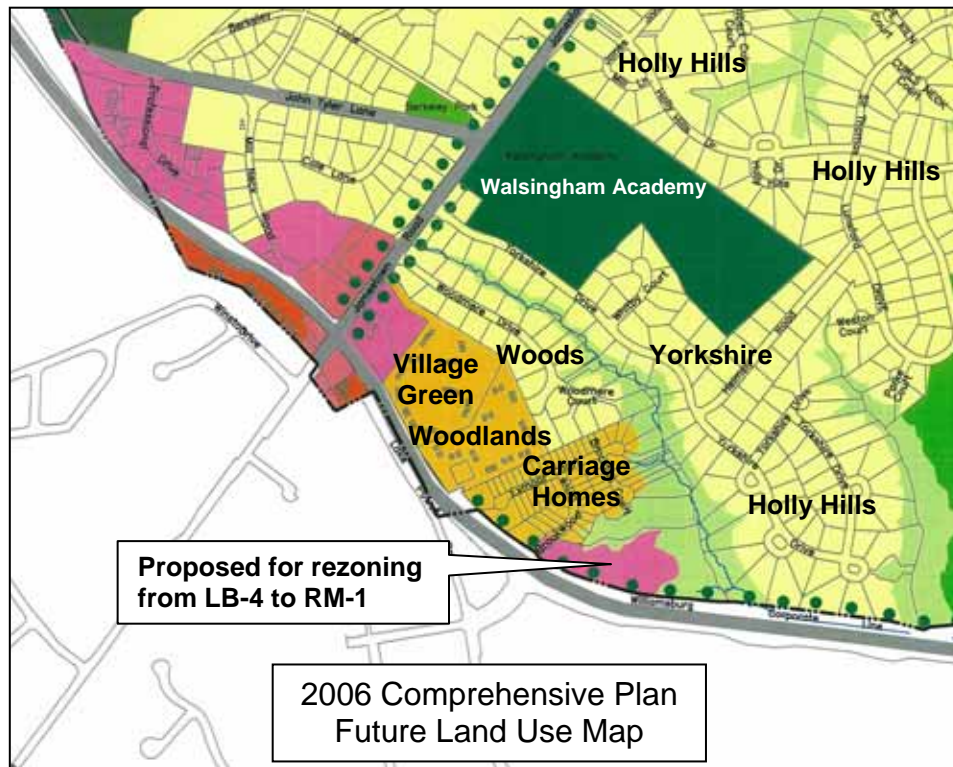
### 1998 Comprehensive Plan

The 1998 Comprehensive Plan continued the designation of this property as Office land use. The zoning in effect when the plan was adopted was LBR Limited Business/Residential District, which allowed both office and residential uses, but the Plan recommended changing this to a new LB-4 District.

### 2006 Comprehensive Plan

The 2006 Comprehensive Plan designates this property as Office land use. The 2006 Plan states

The office land use category accommodates primarily offices and financial institutions as low density transitional uses between residential neighborhoods and higher intensity business uses. This land use is intended for designated areas in the Center City and Midtown Planning Areas, as well as outlying areas including Strawberry Plains Road, John Tyler Highway, Monticello Avenue, Ironbound Road and Bypass Road. Office land use is implemented by two zoning districts: LB-3 Limited Business Residential for the Center City area, and LB-4 Limited Business corridor for the outlying areas. The basic uses permitted by right would be offices as well as financial institutions. Residential uses would be allowed only in the LB-3 District in the Center City, with a base density of 8 dwelling units per net developable acre, and up to 14 dwelling units per net developable area with a special use permit for areas that are suitable for a higher density. The extra review required is designed to ensure that higher density residential uses are high quality and compatible with existing neighborhoods and non-residential development in the area. These densities match the densities allowed in the Downtown Residential areas. Supplementing the office uses, a limited range of related low intensity commercial uses would be allowed with a special use permit.



Concerning the specific area proposed for rezoning to RM-1, the 2006 Comprehensive Plan states that

A small office area is located at the southeast corner of the Brookwood Drive and Route 199 intersection, and is adjacent to Holly Hills and Holly Hills Carriage Homes.

**Recommendation.** The existing Office land use designation should be continued, implemented by the existing LB-4 Limited Business Corridor District. *[The adjoining land across Route 199, located in James City County, is designated Low Density Residential land use, and is zoned R-5 Multi Family Residential District and R-8 Rural Residential District.]*

The Commercial and Economic Development Plan summarized in Chapter 10 of the 2006 Comprehensive Plan includes the following recommendation concerning Office land use:

8. Maintain appropriately located areas for office use throughout the City. These areas provide needed transition uses between major commercial areas and residential areas. Primary office areas are located along the John Tyler Lane/Strawberry Plains Road corridor, south of Merchants Square along South Henry Street, and along Capitol Landing Road. Office uses can also be a part of mixed-use areas.

The 2006 Comprehensive Plan designates Route 199 as a greenbelt corridor. The 2006 Plan states that "Greenbelts should be left in an undisturbed natural state, unless modifications are approved by the City. When retail and other uses are adjacent to designated greenbelts, modifications to the character and width of the greenbelt may be allowed to provide the visibility that is needed for these uses. However, any modifications should preserve the landscaped and tree-lined character of the streets." This property has been cleared for development as offices, but the 75 foot greenbelt has been retained along Route 199.

## **ZONING**

This parcel was zoned Residence District A (Single Family) when this property was annexed into the City in 1984. Following the adoption of the 1989 Comprehensive Plan, the zoning was changed to RM-1 Multifamily Dwelling District (8 dwelling units/net acre) in 1991. In January 1997, in conjunction with an amendment to the 1989 Comprehensive Plan, the zoning was changed at the request of McCale Development Corporation to LBR Limited Business/Residential District (PCR #96-13). The reason stated by the applicant for the request was "... because proximity of State Route 199 would negatively impact (noise) previously contemplated residential development." The LBR District allows single family and duplex dwellings by right, and multifamily and townhouse dwellings with a special use permit. As part of the implementation of the 1998 Comprehensive Plan, this area was rezoned to a new LB-4 District in July 1999 (PCR #98-32). The LB-4 District does not allow residential uses.

The proposed RM-1 Multifamily Dwelling District allows uses such as single family detached dwellings, duplexes and townhouses at a density of 8 units per net acre. Uses such as multifamily dwellings, churches, day care centers and schools are allowed with a special use permit. The 6.84 acre area proposed for rezoning has a net area of 4.76 acres, which would allow up to 38 dwelling units to be built on the property.

The RM-1 yard requirements are 25 feet front, 7.5 feet side for single family and duplex, 15 feet side for multifamily, 15 feet street side, and 25 feet rear. A 35 foot building height is allowed, but buildings set back 200 feet from Route 199 and Quarterpath Road may have a height of 60 feet. No landscaped open space is required for single family and duplex dwellings, but 50% of the total site area is required for multifamily dwellings. A 75 foot greenbelt buffer is required along Route 199.

This property is located in the CP Corridor Protection District, which requires approval of the building and sign design by the Architectural Review Board.

The Statement of Intent for the RM-1 District reads:

*This district is established as a residential area with a medium population density. Population density and height of buildings are low enough to be generally compatible with single-family residential developments in the same general area. Uses such as multifamily housing, schools, churches,*

*public buildings, and other uses that may be compatible with permitted residential uses, may be allowed with special permits.*

In conjunction with the rezoning request, the Planning Director or Planning Commission may require the following additional information:

- (1) A traffic impact analysis, showing the effect of traffic generated by this project on surrounding streets and neighborhoods.
- (2) A public utility analysis, showing the effect of this project on public water, sewer and/or storm drainage facilities.
- (3) A fiscal impact analysis. The Planning Director or the Planning Commission may request the City Council to provide funds for the preparation of this study by the City.

Staff does not feel that any additional studies are needed.

## **ANALYSIS**

The 2006 Comprehensive Plan, in Chapter 10 Commercial and Economic Development, includes as part of the "Commercial and Economic Development Plan" the following statement:

Maintain appropriately located areas for office use throughout the City. These areas provide needed transition uses between major commercial areas and residential areas. Primary office areas are located along the John Tyler Lane/Strawberry Plains Road corridor, south of Merchants Square along South Henry Street, and along Capitol Landing Road. Office uses can also be a part of mixed-use areas.

The property at 200 Brookwood Drive is one of the areas that is designated by the Plan as Office land use, and this is close to two nearby LB-4 office areas: the southeast corner of Route 199 and Jamestown Road (SunTrust and a three-building office park), and the small area at the end of Mill Neck Road (Parks Orthodontics/The Personal Touch Beauty Salon and a three acre vacant parcel).

The Commercial and Economic Development Plan on pages 10-2 and 10-3 of the 2006 Comprehensive Plan recommends that appropriately located areas should be maintained for office use throughout the City, and the property at 200 Brookwood Drive and Route 199 falls within this category. In addition, the general objectives in the Plan for the *Economy* goal call for the identification of areas suitable for infill development and redevelopment and the development of strategies to encourage such development and redevelopment.

The City's Economic Development Plan, adopted in March 9, 2006, states that "Williamsburg has very little commercial office product and no class A office space into



which businesses can locate immediately,” and that “Development pressure to build housing product instead of commercial product threatens the land zoned for commercial use in the City.”

This property was originally approved for a 40,000 square foot four-building office complex (SPR #04-017), and was reapproved for a 42,700 square foot seven-building office complex in June 2007 (SPR #06-015). These Planning Commission approvals show that this property is suitable for office development.

Concerns have been expressed that the existing Holly Hills Carriage Homes neighborhood does not have a sidewalk connection to the rest of the City. Adding up to 38 new dwelling units would exacerbate this deficiency, which is much less of an issue with an office development than it is with a residential development.

In light of the City's small physical size of nine square miles, it is important to preserve appropriately located property for future office, commercial and economic development uses. This is important for small sites such as 200 Brookwood Drive, as well as for larger developments such as High Street and Quarterpath at Williamsburg.

### **STAFF RECOMMENDATION**

Staff recommends that Planning Commission recommend to City Council that the request to rezone 200 Brookwood Drive from LB-4 Limited Business Corridor District to RM-1 Multifamily Dwelling District be denied, because it does not comply with the 2006 Comprehensive Plan's recommendation of Office land use for this property.

### **PLANNING COMMISSION CONSIDERATION**

Planning Commission held a public hearing on this request on September 19. The applicant, the applicant's attorney, and six citizens spoke at the public hearing. Following the Commission's discussion after the public hearing, it was felt by some members of the Commission that the rezoning may be acceptable with suitable proffers from the applicant. It was decided to defer a decision on this case until the October 17 meeting so that proffers could be submitted for review.

### **PROFFERS**

Proffers have been submitted, and a draft copy dated October 17 is attached. There are two proffers, and these are described below.

Proffer #1 states that there shall be no more than 20 dwelling units developed on the property. These could be single family, duplex or townhouse units by right, or multifamily units with a special use permit.

Proffer #2 states that there will be a cash contribution of \$2,000 per unit, which will total \$40,000 for the 20 units proposed. Payment of this proffer would be required prior to the issuance of a land disturbing permit for the project.

While the staff recommendation remains denial of the requested rezoning, the following comments are offered on the proposed proffers:

Proffer #1: This limits the number of dwelling units to 20, instead of the 38 allowed per the Zoning Ordinance eight units per net acre density for the RM-1 District.

Proffer #2: This proffer is a cash contribution of \$40,000 for the construction of a sidewalk connection between the Holly Hills Carriage Homes to Jamestown Road, and is based on the 20 units proffered in Proffer #1. The required connection will require construction of approximately 750 feet of sidewalk and approximately 750 feet of screening fence adjacent to the Woodlands and Village Green Condominiums. Acquisition of appropriate easements from the Woodlands and Village Green will also be required. While no design has been finalized for the screening fences, staff feels that the total cost of the sidewalk project, which includes the fencing, will be in the range of at least \$150,000 to \$250,000.

In the event that the proposed proffers, either as submitted or as modified, are found acceptable by City Council, it is recommended that no final decision be made on the rezoning request by City Council until all necessary easements are acquired and the sidewalk/screening fencing design is finalized. Additional dwelling units should not be permitted in this area until all issues surrounding the sidewalk design have been satisfactorily resolved, making its construction a "sure thing." At this point in time it is by no means a sure thing, since the City may or may not be able to secure the needed easements from the Woodlands and Village Green Condominiums. If the issues around the sidewalk connection to Jamestown Road cannot be resolved, the rezoning should not be approved by City Council, even if acceptable proffers have been received from the applicant.

## OPTIONS FOR ACTION

The following three options were available for Planning Commission action:

Option #1 (Staff Recommendation): Recommend to City Council that the request to rezone 200 Brookwood Drive from Limited Business Corridor District LB-4 to Multifamily Dwelling District RM-1 be denied, because it does not comply with the 2006 Comprehensive Plan's recommendation of Office land use for this property.  
***Even with the proposed proffers, this remains the staff recommendation.***

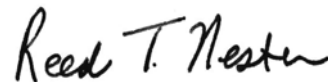


Option #2: Recommend to City Council that the request to rezone 200 Brookwood Drive from Limited Business Corridor District LB-4 to Multifamily Dwelling District RM-1 Conditional, incorporating the submitted proffers, be approved. ***This is not recommended by staff, because the proffers do not adequately address the issue of the sidewalk connection to Jamestown Road.***

Option #3: Advise the applicant that the proposed proffers do not adequately address the provision of the proposed sidewalk connection to Jamestown Road, and table the request until the November 14 Planning Commission meeting to allow the submittal of revised proffers.

### **PLANNING COMMISSION RECOMMENDATION**

Planning Commission discussed this proposal, and the submitted proffers, at the regular meeting on October 17. Following an extensive discussion, Planning Commission recommended to City Council, by a vote of 4 to 3, that the request to rezone 200 Brookwood Drive from Limited Business Corridor District LB-4 to Multifamily Dwelling District RM-1 Conditional, incorporating the submitted proffers, be approved.

A handwritten signature in black ink that reads "Reed T. Nester". The signature is written in a cursive, flowing style.

Reed T. Nester, AICP  
Planning Director

**ORDINANCE #07-\_\_**  
**PROPOSED ORDINANCE #07-\_\_**

**AN ORDINANCE TO REZONE APPROXIMATELY 6.84 ACRES  
AT 200 BROOKWOOD DRIVE FROM LB-4 TO RM-1 CONDITIONAL  
(PCR #07-029)**

**WHEREAS**, it has been determined by City Council that the general welfare of the City of Williamsburg would be served by rezoning approximately 6.84 acres at 200 Brookwood Drive from LB-4 Limited Business Corridor District to RM-1 Multifamily Dwelling District.

**WHEREAS**, this ordinance hereby incorporates all the terms and conditions of a PROFFER AGREEMENT made by and between the owners of said property, McCale Development Corp, a Virginia corporation, their successors and/or assigns, dated March \_\_, 2007, a copy of which is attached hereto.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Williamsburg that the Official Zoning Map of the City of Williamsburg, Virginia be amended by rezoning approximately 6.84 acres at 200 Brookwood Drive, designated as Williamsburg Tax Map Nos. 583-05-00-002, from LB-4 Limited Business Corridor District to RM-1 Multifamily Dwelling District Conditional, in accordance with Chapter 21, Zoning, Article II, Division 4, Conditional Zoning. The Clerk of Council shall cause the PROFFER AGREEMENT to be duly acknowledged, recorded and indexed among the land records in the Clerk's Office for the Circuit Court of the City of Williamsburg and the County of James City; and

**BE IT FURTHER ORDAINED** that in accordance with the terms and conditions of Chapter 21, Zoning, Section 21-79 of the Code of the City of Williamsburg, the City's Zoning Administrator shall indicate on the City's Zoning Map that this parcel is subject to conditional zoning and shall further enter this parcel in the City's conditional zoning index.

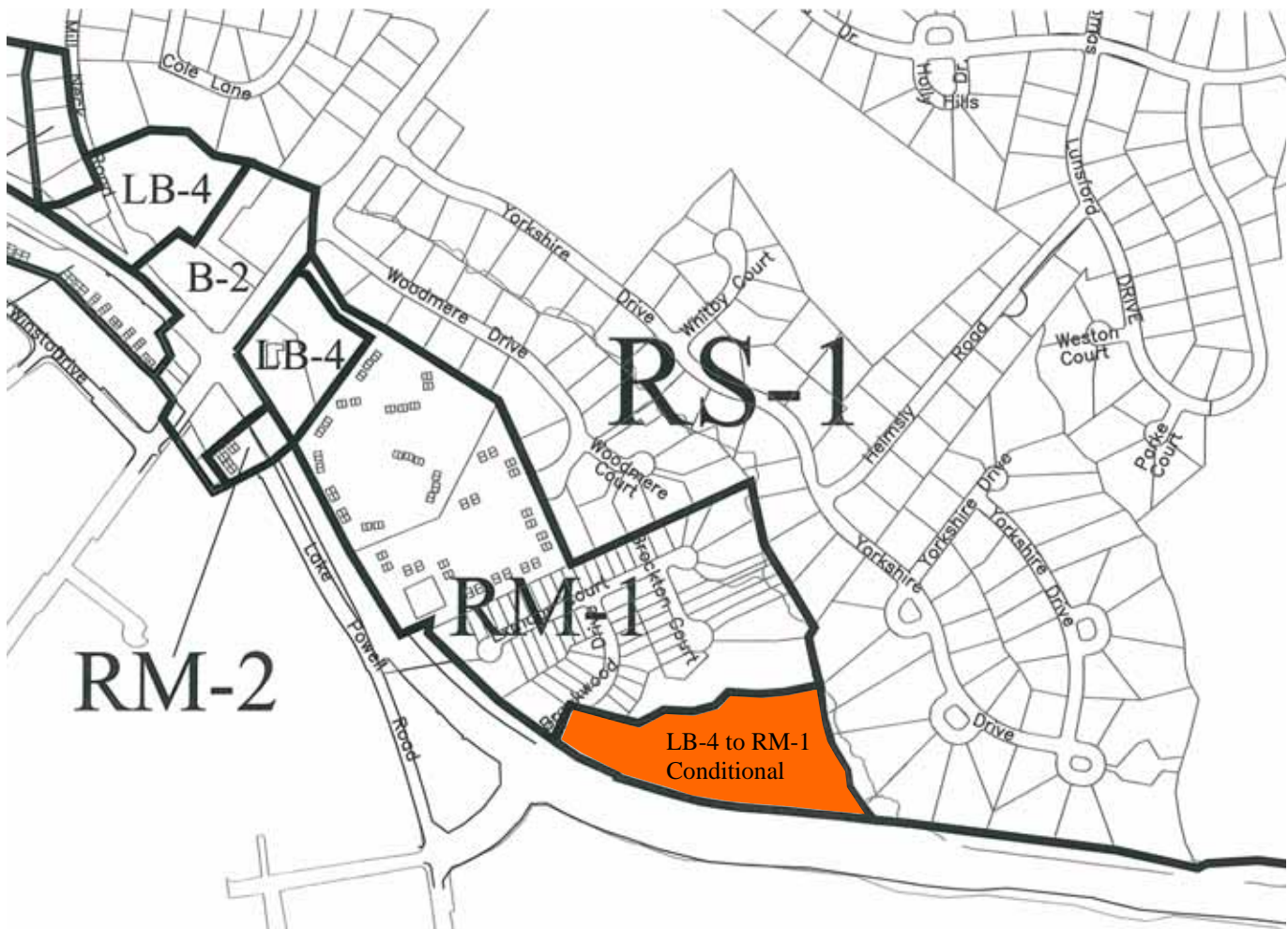
This ordinance shall become effective on the tenth day following its passage.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Jeanne Zeidler, Mayor

\_\_\_\_\_  
Clerk of Council

## 200 Brookwood Drive – LB-4 to RM-1 Conditional



## EXHIBIT A

**PROPOSED PROFFERS**

**PCR#07-029**

**200 BROOKWOOD DRIVE  
LB-4 TO RM-1  
CONDITIONAL**

## PROFFERS

THESE PROFFERS are made this \_\_ day of \_\_\_\_, 2007 by MCCALE DEVELOPMENT CORP, a Virginia corporation (together with its successors and assigns, the "Owner") to be indexed as Grantor in the City of Williamsburg land records and the CITY OF WILLIAMSBURG, a Virginia municipal corporation, ("City") to be indexed as Grantee in the City of Williamsburg land records.

## RECITALS

A. Owner is the owner of a tract or parcel of land located in the City of Williamsburg, Virginia, consisting of Tax Map #583-05-00-002 with an address of 200 Brookwood Drive, Williamsburg, Virginia (the "Property"). The Property contains a total of approximately 6.84 acres and is now zoned LB-4.

B. Owner has applied to rezone the Property from LB-4 to RM-1, with proffers.

F. Owner desires to offer to the City certain conditions on the development of the Property not generally applicable to land zoned RM-1.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2297 of the Code of Virginia, 1950, as amended, and Article II, Division 4 of the City Zoning Ordinance, Owner agrees that or its successors in title, as the case may be, shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the City, these Proffers shall be null and void.

## CONDITIONS

1. Density. There shall be no more than 20 dwelling units developed on the Property.

2. Cash Contributions for Sidewalks. Owner shall make a cash contribution in an amount equal to \$2,000 per dwelling unit shown on approved development plans for the Property to the City for use in the design, acquisition of necessary easement and construction of a sidewalk and installation of screen fencing and landscaping from The Carriage Homes at Holly Hills development to Jamestown Road. This contribution, based on the total number of lots, shall be paid prior to the issuance of a land disturbing permit for the improvements shown on the subdivision development plan for the development approved by the City.

WITNESS the following signatures.

MCCALE DEVELOPMENT CORP.

By: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF VIRGINIA AT LARGE  
CITY/COUNTY OF \_\_\_\_\_, to-wit:

The foregoing instrument was acknowledged this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by \_\_\_\_\_ of McCale Development Corp., a Virginia corporation, on its behalf.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_  
Registration No.: \_\_\_\_\_

The City of Williamsburg joins herein to and does hereby confirm its acceptance of these proffers as part of the rezoning of the subject Property from LB-4 to RM-1.

CITY OF WILLIAMSBURG, VIRGINIA

By: \_\_\_\_\_  
Title:

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF \_\_\_\_\_, to-wit:

The foregoing instrument was acknowledged this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by \_\_\_\_\_, \_\_\_\_\_ of The City of Williamsburg, Virginia, on its behalf.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_  
Registration No.: \_\_\_\_\_



**PCR #07-029: McCALE DEVELOPMENT REZONING**  
200 Brookwood Drive – LB-4 to RM-1

---



**Approved Site Plan – SPR #06-015 – buildings in red**

**Original Site Plan – SPR #04-017 – in black**

## 200 Brookwood Drive – LB-4 to RM-1



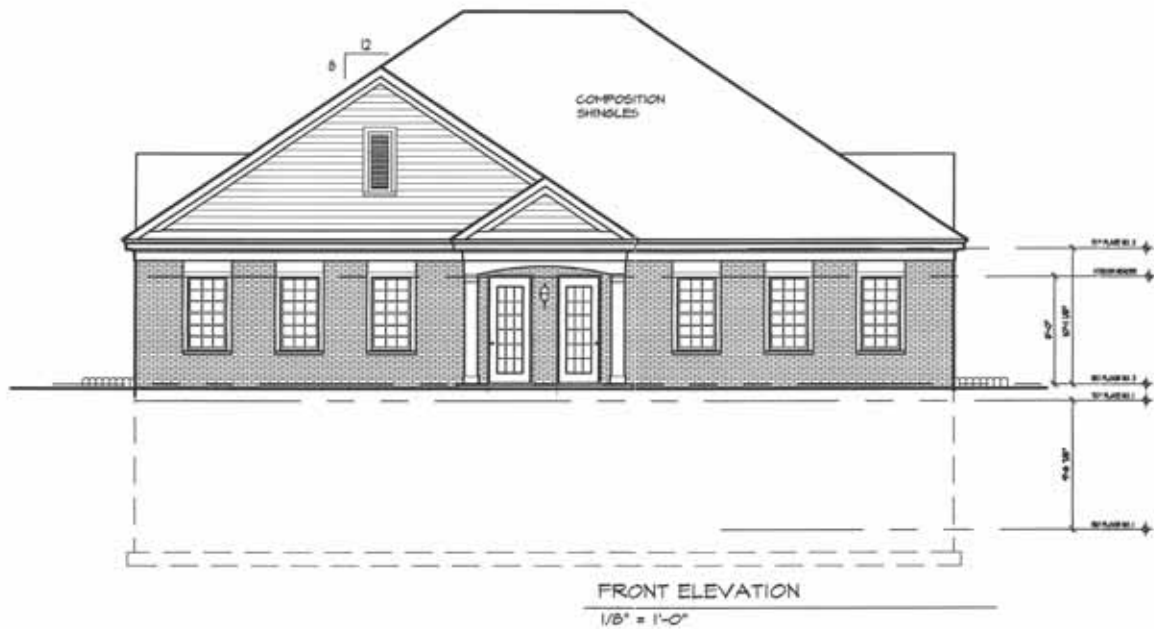
## Approved Site Plan – SPR #06-015

## 200 Brookwood Drive – LB-4 to RM-1



## Approved Site Plan – SPR #06-015

**PCR #07-029: McCALE DEVELOPMENT REZONING**  
200 Brookwood Drive – LB-4 to RM-1



File: ARB # 06-036  
App'd: ARB 3/28/06  
Date

**Office Buildings – Approved Elevations – ARB #06-036**